

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JUN 12 2007

JOHN F. CORCORAN, CLERK
BY: 
DEPUTY CLERK

IRLENE KELLER,
Plaintiff,

Civil Action No. 7:07-cv-00277

v.

By: Hon. Glen E. Conrad
United States District Judge

SGT. DIXON, et al.,
Defendants

DISMISSAL ORDER

On May 31, 2007, plaintiff Irlene Keller, a Virginia inmate proceeding pro se, initiated this action alleging a violation of her constitutional rights.* The order entered filing this action directed Ms. Keller to immediately notify the court upon her transfer or release from her present place of incarceration and to provide the court with her new mailing address. The filing order also warned Ms. Keller that a failure to notify the court of a change of address may result in a dismissal of this action. Ms. Keller has had no contact with this court since her case was transferred from the United States District Court for the Eastern District of Virginia. All paperwork forwarded to the plaintiff in care of the Piedmont Regional Jail in Farmville, Virginia, has been returned as undeliverable and Ms. Keller has provided no new address by which the court can contact her.

Accordingly, finding that Ms. Keller has failed to notify the court of her present address and has made no attempt to contact the court or otherwise proceed with this action, the Court finds that, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure, plaintiff has failed to prosecute this action. See Ballard v. Carlson, 882 F.2d 93 (4th Cir. 1989), cert. denied, 493 U.S. 1084 (1990).

* On May 1, 2007, plaintiff filed this case in the United States District Court for the Eastern District of Virginia. On May 24, 2007, that Court dismissed most of plaintiff's claims pursuant to 28 U.S.C. 1915A(b)(1) for failure to state a claim upon which relief may be granted; however, the Court transferred plaintiff's remaining claims against C.O. Fitzgerald and Sergeant Dixon to this court because the defendants are located in the Western District of Virginia and all events alleged to pertain to the lawsuit occurred in the Western District of Virginia.

Finding a failure to prosecute, it is hereby **ORDERED** that this action be **DISMISSED WITHOUT PREJUDICE** and that the action be stricken from the active docket of the court.

Ms. Keller is directed that should she desire to proceed with this action, she should petition the court within thirty (30) days of the entry of this order for a reinstatement of this action. Ms. Keller's motion should state the reasons for her failure to prosecute and, most importantly, the reasons for her failure to notify the court of her change of address.

The Clerk is directed to send copies of this order to the plaintiff at her last known address and to the counsel for defendants, if known, or to the defendants.

ENTER: This 12th day of June, 2007.



United States District Judge